

EXHIBIT 9  
DATE 21/12/07  
HB 142

**MONTANA DEPARTMENT OF MILITARY AFFAIRS  
INFORMATION SHEET**

**HOUSE BILL NO. 142**

**A BILL SPECIFYING THE AUTHORITY OF THE GOVERNOR TO ORDER  
THE MT NATIONAL GUARD TO STATE ACTIVE DUTY TO CONDUCT  
PLANNING, TRAINING AND EXERCISES IN PREPARATION FOR FUTURE  
DISASTERS.**

**INTENT**

HB 142 will amend Section 10-3-104 (General authority of governor), MCA, to specifically authorize the Governor to put members of the MT National Guard on State Active Duty to perform planning, training, exercises, and other administrative duties, that are not of emergent nature, in preparation for future disasters. Currently, the Governor has no specific statutory authority to call out members of the MT National Guard to conduct pre-disaster training and preparation in a State Active Duty status.

Planned and exercised responses to disasters, before they occur, are essential to saving lives and property. The MT National Guard is not authorized to expend federal monies, or use federally funded training, to plan, train (ex. wildland fire survival training), or prepare for its state constitutional mission to "... protect life and property in natural disasters."

Under Article VI (The Executive), Section 13 (Militia) of the Montana Constitution, the Governor, as Commander-in-Chief of the militia (to include the MT National Guard), may call out members of the militia to protect life and property in natural disasters. Section 10-1-102 (Powers and duties of the department of military affairs), MCA, directs that that the MT Dept. of Military Affairs, under the direction of the governor, shall administer, train, equip, and supply the militia. HB 142, therefore, clarifies the Governor's constitutional and the statutory authority to order members of the MT National Guard, to State Active Duty, in order to conduct planning, training, and exercises in preparation for future disasters.

**CONCLUSION**

To be fully prepared to meet its state mission (i.e., to protect life and property in natural disasters) the MT National Guard must be able to call its members to State Active Duty in order to plan, practice, train, and exercise in preparation for disasters. The MT National Guard may not expend federal funds to prepare for its state mission.

HB 142 clarifies the Governor's constitutional and statutory authority to order members of the MT National Guard, to State Active Duty, in order to conduct planning, training, exercises, and administrative duties that are related its state mission. Hurricane Katrina and wildland fires have shown the need for National Guard units to plan and train prior to the occurrence of a disaster.

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